

REMARKS/ARGUMENTS

Claims 1-35 remain in the application for further prosecution. By this amendment, claims 1, 12, 20, 27 and 35 have been amended.

Claim Rejection 35 USC § 102

Claims 1-5, 7, 9, 12, 13, 15-17, 27, 32 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,990,927 ("Hendricks").

Claims 20 and 22-26 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,446,261 ("Rosser").

Claim Rejection 35 USC § 103

Claims 6, 10, 11, 14, 18, 19, 29, 30, 31 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,990,927 ("Hendricks") in view of U.S. Patent No. 6,446,261 ("Rosser").

Claims 8 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,990,927 ("Hendricks") in view of U.S. Publication No. US2002/0007493 ("Butler").

Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,990,927 ("Hendricks") in view of U.S. Patent No. 6,934,906 ("Cheok").

The pending claims are generally related to a method and system of producing a combined video signal at a set top box. A first video signal is received at the set top box. The first video signal is processed to produce a first image stored in memory of the set top box. A second video signal is received at the set top box. The second video signal is processed to produce a second image stored in the set top box memory. A presentation description that defines a portion of the first image and the manner in which the portion of said first image and a portion of the second image are combined is accessed. The portion of the first image is then combined with the portion of second image in accordance with said presentation description to produce a combined image which is then displayed. The presentation description is a "soft" description which allows the selection of the manner of the combination of images from multiple manners of combination such as deformation, pixel by pixel replacement, ghosting etc. Further, the presentation description allows the images to be manipulated dynamically according to a sequence of operations which may be selected from different sequences of operations. The soft nature of the presentation description allows the format of the combination of images to be

programmed which differs from fixed formats such as picture in picture or menus overlaying an image as these systems are limited to a single static combination format.

Claims 1 and 27 Are Allowable Over Hendricks

The Hendricks reference relates generally to a setup box that combines an integrated cable signal with various control signals to insert menus and other indicators on an end-user display. The Office Action has cited Col. 11, ll. 1-5 for the proposition of storing a first video image from the first video signal and a second video image from a second video signal. This section indicates that that template information is received from program control signals and stored. (p. 2). The Office Action has cited Col. 11, ll. 5-23 for the concept of combining a portion of the first and second images. (p. 3). The Office Action therefore asserts that the menu template combination constitutes the combining of the first and second images according to "basic menu format information" that is equated to the presentation description element citing Col. 11, ll. 14-15. (p. 3). This section of Hendricks actually relates to selecting a channel which results in the signal channel being decompressed from the cable headend 208 and displaying a menu from menu templates and other menu information. Hendricks does not define what information is included in the basic menu format information. However, this section makes it clear that the menu information merely defines the appearance of the menu template. None of these sections relate to actually combining a portion of the first and second images in accordance with a presentation description that defines the manner how the first and second image are combined. The menu templates in conjunction with menu format information represent the entirety of the format of the menu image that is overlaid and does not reference combination of that menu with a second image. Hendricks further uses an inflexible hard coded presentation description as the only option for combining two images is the overlay of a menu format. Other combination types could not be employed because Hendricks is hardcoded to the menu format. Hendricks thus does not disclose nor suggest the ability to select multiple manners of presentation in the presentation description.

Applicant has amended claims 1 and 27 to require that the presentation description has a manner for the combination of images that is "selected from at least one of a plurality of manners of combinations, and the presentation description also including a sequence of operations performed over time being selected from at least one of a plurality of sequences." The amended claims are allowable over Hendricks as the section in Hendricks cited by the Examiner only

describes a single type of manner of combination (i.e. menu template overlaying a picture). Hendricks does not disclose nor suggest selecting the manner from a plurality of manners of combinations for the presentation description. Further Hendricks does not allow a sequence of operations to be performed involving the two images as also now required by the amended claims. Hendricks only discloses so called "hardcoded" image placement in the form of a menu. There is no disclosure or a sequence from the presentation description. The present claims are directed toward a soft description that provides freedom in the manner and format that the images are combined and that may be easily created changed, modified or updated. Thus, the presentation description dictates how the images/video are combined and may be tailored to individual users by selecting both the manner of combining and the sequence of the combination from different options. Hendricks does not anticipate amended claims 1 and 27 because it does not allow selection of a manner or sequence from a plurality of possibilities.

Claims 12 and 35 Are Allowable Over Hendricks

With regard to claims 12 and 35 the Office Action has cited the tuner 603 in Fig. 14 and Col. 32, ll. 12-14 of Hendricks which generally describes a picture in picture system. This system requires two tuners 603 and 603' for different program signals. (Col. 32, ll. 7-22). The first sequence of images is disclosed in Col. 32, ll. 51-52 that relates to a video combiner 316 that correlates and combines the video, graphics and text of two program signals. The Office Action has asserted that Col. 32, ll. 60-62 and the video combiner of Hendricks implies a presentation description. (p. 5). This section only relates to a video combiner 316 and does not describe how the video combiner combines the two images. As the Office Action concedes Hendricks does not explicitly disclose the use of a presentation description. At best the description would only frame the second image in a fixed relation with the first image to form the picture in picture effect. In contrast, the present claims relate to a dynamic presentation that allows different presentations of the combination of images based on selection from a variety of different manners of combining the video images.

Applicant has amended claim 12 to require that "the manner in which the sequences of images are combined being selected from at least one of a plurality of manners of combinations, and the presentation description also including a sequence of operations performed over time being selected from at least one of a plurality of sequences." Claim 35 has been similarly amended. As explained above, the amended claims are allowable over Hendricks as Hendricks

relates to a picture in picture display that is a hardcoded image placement since picture in picture is the only manner that the images may be combined. Further, no sequence of operations with regard to combining images is possible with Hendricks. The present claims are now directed toward a soft description that provides freedom in the manner that images are combined and that may be easily created changed, modified or updated. Thus, the presentation description dictates how the images/video are combined and may be tailored to individual users because any variety of manners of combination may be selected. Further, the combination is dynamic in nature because a sequence may be selected. Claims 12 and 35 are thus allowable over Hendricks.

Claim 20 is Allowable Over Rosser

With regard to claim 20, the Office Action has cited Rosser which generally discloses a set top box that can insert indicia such as advertising in the broadcast video shown to an end-user. Rosser generally relates to a Live Video Insertion System (LVIS) 16 that is modified to insert information in a signal from the LVIS 16. A central facility 34 inserts a graphic or video for later insertion and the signal is distributed to an end user. A set top box 44 uses the information to insert still, animated and live video indicia in to the video stream (Col. 7, ll. 40-45). Rosser is more directed toward tailoring the advertising to a viewer profile and the technical discussion of combining the signals is not the focus of Rosser. The Office Action has cited Col. 7, ll. 48-50 as a video signal with a video stream having different video signals. The Office Action has indicated that the loading image combination code is information generated by the recognition unit 18, the tracing unit 20 and the occlusion mask production unit 22. (p. 9). The Office Action has indicated that portions of images are combined according to the occlusion mask in Fig. 2. (p. 9). Rosser allows the insertion of different video images, but again the manner of the insertion as well as the nature of the insertion is limited to a single format. Rosser does not disclose nor teach a soft-coded presentation description that allows changes in the manner of combination.

Applicant has amended claim 20 to include the requirement of "the manner in which the images are combined being selected from at least one of a plurality of manners of combinations, and the presentation description also including a sequence of operations performed over time being selected from at least one of a plurality of sequences." As explained above, the amended claims are allowable over Rosser because Rosser does not disclose having the selection of different manners of combinations. Rosser discloses the insertion of different content but does

not disclose the selection of different manners of combining the video images. Further, Rosser does not disclose selecting one of a sequence of operations for the combination. Rosser only discloses a static combination of images that does not change over time in a sequence of operations. Amended claim 20 is thus allowable over Rosser.

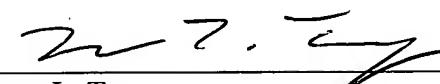
Conclusion

It is Applicant's belief that all of the pending claims 1-35 are now in condition for allowance and actions towards that effect is respectfully requested.

If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the number indicated.

Respectfully submitted,

Date: December 10, 2007


Wayne L. Tang
Reg. No. 36,028
NIXON PEABODY LLP.
401 9th Street, N.W., Suite 900
Washington, D.C. 20004-2128
(312) 425-3900
Attorney for Applicants